

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERSON FLORES-RIVERA,

Defendant.

CASE NO. CR21-0096-JCC

ORDER

This matter comes before the Court on Defendant's motion to continue trial (Dkt. No. 26). Defendant is charged by Indictment with Distribution of Methamphetamine; Possession with Intent to Distribute Fentanyl – Person; Possession with Intent to Distribute Methamphetamine, Heroin and Fentanyl – Residence; and Carrying a Firearm During and in Relation to a Drug Trafficking Crime. (Dkt. No. 12.) Trial is scheduled for August 16, 2021. (Dkt. No. 20.) Defendant seeks a continuance to December 6, 2021. (Dkt. No. 26 at 2.) Defendant indicates that additional time is necessary for defense counsel and Defendant to review recently received discovery, which Defendant describes as voluminous. (*Id.*) Defendant also seeks additional time to review discovery produced in two related cases. (*Id.*)

Having thoroughly considered the motion and the relevant record, the Court FINDS that the ends of justice served by granting a continuance outweigh the best interests of Defendant and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

1 1. Taking into account the exercise of due diligence, the failure to grant a continuance
2 would deny counsel for Defendant reasonable time necessary for effective
3 preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a
4 miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).

5 2. This case is sufficiently complex, in light of the related cases, such that it is
6 unreasonable to expect adequate preparation for trial within the time limits
7 established by the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).

8 Accordingly, the Court GRANTS Defendant's motion (Dkt. No. 26) and ORDERS:

- 9 1. The August 16, 2021 jury trial is CONTINUED until December 6, 2021.
10 2. The pretrial motions deadline is CONTINUED until November 5, 2021.
11 3. The period from the date of this order until December 6, 2021 is an excludable time
12 period under 18 U.S.C. § 3161(h)(7)(A).

13 DATED this 30th day of July 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE